IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. ARBITRATION APPLICATION NO.42/06

Arun Bhargava **Versus** State & Anr.

DATE OF ORDER :: 02/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. L.L. Gupta, for applicant

Mr. Arun Sharma, Dy.G.A. for State

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Instant application has been filed u/s.11 of Arbitration & Conciliation Act, 1996 for appointment of Arbitrator.

It is not disputed that agreement was executed between the parties and it contained Clause 23 for settlement of their disputes by Standing Committee. Since certain disputes arose out of agreement executed between the parties, the applicant served notice on 10th April, 2002 along with 2% of claim amount was duly deposited. Despite notice being served, respondents failed to make appointment of Arbitrator in terms of Clause 23 of agreement.

Apparently, as respondents failed to act in accordance with procedure laid down for appointment of Arbitrator in terms of Clause 23 of the agreement, Arbitrator is required to be appointed u/s.11 of the Act, 1996.

In the facts and circumstances of the case, I consider it proper to appoint Hon'ble Mr. Justice S.C. Mittal [Retd.], A-19, Vaishali Nagar, Queen's Road, Jaipur as sole Arbitrator to whom the dispute may be referred by the parties and they shall be free to raise all objections available under law. The cost of arbitration and fees of Arbitrator shall be as determined by the Arbitrator.

With the above observations, the application stands disposed of. Copy of this order be sent to Hon'ble Mr. Justice S.C. Mittal [Retd.], A-19, Vaishali Nagar, Queen's Road, Jaipur, Arbitrator forthwith and parties are directed to appear before him on 3rd December, 2007 at 4.30 PM.

[AJAY RASTOGI],J.